

**Notice of Allowability**

Application No.

10/809,188

Examiner

Betsey M Hoey

Applicant(s)

NICOLIA ET AL.

Art Unit

1724

-- **Th MAILING DATE of this communication appears on the cover sheet with the corresponding address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed.
2. ☒ The allowed claim(s) is/are 1-55.
3. ☒ The drawings filed on 25 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/31/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

1. Claims 1-55 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 1-26 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a grease removal system comprising a discharge portal having a lower end located to permit removal by gravity of liquid grease from the surface of effluent passing through a grease trap, in combination with the other limitations of claim 1.

Support for this limitation can be found in Figure 3 and the description thereof on page

8. It is submitted that the closest prior art of record, to Holloway, Jr. et al. does not anticipate claims 1-26 because the Holloway reference does not teach or suggest a discharge portal located to permit removal of grease by gravity, but rather relies on pumping for grease removal.

Claims 27-34 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a method of removing grease from an effluent comprising a discharging grease that rests upon other effluent by allowing grease at a certain level to flow by gravity from the tank, in combination with the other limitations of claim 27. It is submitted that the closest prior art of record, to Holloway, Jr. et al. does not anticipate claims 27-34 because the Holloway reference does not teach or suggest discharging grease by gravity, but rather relies on pumping for grease removal.

Claims 35 and 36 are allowed for the reasons set forth in the previous Office Action.

Claims 37-47 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a grease removal system comprising a discharge portal having a lower

end located to permit removal by gravity of liquid grease from the surface of effluent passing through a grease trap, in combination with the other limitations of claim 37. It is submitted that the closest prior art of record, to Holloway, Jr. et al. does not anticipate claims 48-53 for reasons explained above.

Claims 48-53 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a method of removing grease from an effluent comprising providing a discharge portal having a lower end located to permit removal by gravity of liquid grease from the surface of effluent passing through a grease trap, and opening a valve to discharge grease by gravity through the discharge portal, in combination with the other limitations of claim 48. It is submitted that the closest prior art of record, to Holloway, Jr. et al. does not anticipate claims 48-53 for reasons explained above.

Claims 54 and 55 are allowed for the reasons set forth in the previous Office Action with regard to claims 7 and 8, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

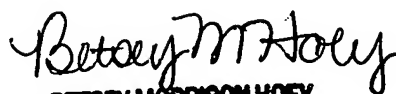
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner can normally be reached on Mondays, Tuesdays, and Thursdays. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987.

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The centralized fax number for the Group is (703) 872-9306. The examiner Rightfax number is (571) 273-1158.

A handwritten signature in black ink, reading "Betsey Morrison Hoey". The signature is written in a cursive, flowing style.

**BETSEY MORRISON HOEY**  
**PRIMARY EXAMINER**

January 6, 2005